

REMARKS

The Office Action mailed February 5, 2004, has been carefully reviewed. The claims in the application are now claims 1-19, and these claims define patentable subject matter warranting their allowance. Applicant accordingly respectfully requests favorable reconsideration and allowance.

Claim 1 has been objected to. Applicant has adopted the examiner's helpful suggestion, and therefore applicant understands that this objection is now overcome.

Claim 12 has only been objected to as being dependent on a rejected base claim, but is otherwise indicated as being "allowable...." Applicant understands that claim 12 is deemed by the P.T.O. to define novel and unobvious subject matter under §§102 and 103.

Claim 12 has now been amended above to place it in independent form. Therefore, claim 12 should now be formally allowed.

Claims 1-11 and 13 have been again rejected as obvious under §103 from applicant's alleged admission of prior art in view of Kojima and "Plasma (i) Nitriding", hereinafter "O'Brian". This rejection is again respectfully traversed.

Applicant does not abandon the arguments previously made and presently of record. Applicant reserves the right to

reassert such arguments at a later time, if needed.

Nevertheless, to avoid a prolix reply at this stage, applicant is moving on to other points.

Thus, claim 1 has now been amended to add a new feature at the end thereof, such feature finding support in the Abstract and also in Table 1, and further at page 13, lines 20-25 of the specification. This feature is therefore now present in claim 1 and in all the claims which depend from claim 1.

Such feature is not shown or made obvious in the acknowledged prior art, nor is it shown or made obvious by either Kojima or O'Brian. As such feature, i.e. the recited minimum variation in Vickers hardness at different locations, is not shown or made obvious in or by each of the elements of the combination rejection, it therefore follows that even if the combination were obvious as proposed, not admitted, such combination would not reach the claimed subject matter, i.e. claim 1 defines novel and unobvious subject matter and the rejection should be withdrawn.

Therefore, all of claims 1-16 should be allowed, and such is respectfully requested.

New dependent claim 14 adds to claim 1 the feature supported at line 3 of page 13, i.e. that the

nitrosulphurization layer extends to a depth of 0.09 mm. This feature also appears in new independent claim 17.

Such feature is not shown or made obvious by either Kojima or O'Brian nor does it appear from any acknowledged prior art. As such feature is not shown or made obvious in or by each of the elements of the proposed combination rejection, it therefore follows that even if the combination were obvious as proposed, again not admitted, such combination still would not reach the claimed subject matter, i.e. claim 14 adds to claim 1 an additional novel and unobvious feature which is also called for in claim 17, and therefore these claims should be allowed. Such is respectfully requested.

New dependent claim 15 adds to claim 1 a feature which finds support at page 13, lines 2 and 3 of applicant's specification. This feature, i.e. the provision of the recited Vickers hardness to a depth of at least 0.09 mm, also appears in new independent claim 18.

As with the feature added to claim 1 and the newly recited features of claims 14 and 17, this new feature of claims 15 and 18 is not shown or made obvious in any of the acknowledged prior art, Kojima or O'Brian. As this feature is not shown or made obvious in or by each of components of the proposed combination rejection, it therefore follows that even if the combination were obvious as proposed by the PTO,

respectfully denied by applicant, such combination would still not reach the claimed subject matter, i.e. the features of claims 15 and 18 define novel and unobvious subject matter whereby these claims should be allowed.

Withdrawal of the rejection is respectfully requested.

New dependent claim 16 adds to claim 1 a feature which finds support in applicant's specification at page 12, line 23 through page 13, line 1, and in Fig. 8. This feature, i.e. the decrease continuously of hardness of the nitrosulphurization layer to a depth of 0.14 mm, also appears in new independent claim 19.

As with the other newly claimed features discussed above, this newly claimed feature of claims 16 and 19 is not shown or made obvious in any of the acknowledged prior art, Kojima or O'Brian. It therefore follows that, as such feature is not shown or made obvious in or by each of the components of the proposed combination, even if the combination as stated by the PTO were obvious, contrary to applicant's position, such proposed combination would not reach the claimed subject matter.

Accordingly, claims 16 and 19 define nonobvious subject matter and should be allowed.

For the reasons provided above, the rejection of record should be withdrawn, and such is respectfully requested. In addition, also for the reasons provided above, the newly presented claims should also be allowed.

Applicant respectfully repeats that applicant does not abandon arguments against the rejection made in earlier Replies. Applicant respectfully reserves the right to explain later, if necessary, why applicant does not agree with the commentary of the PTO in the Office Action mailed February 5, 2004, including that portion entitled "Response to Arguments" commencing near the bottom of page 9 and extending through the top half of page 12.

Claim 13 has been rejected as obvious under §103 from the same prior art applied against claim 1, further in view of Kramer. This rejection is respectfully repeated for the same reasons as expressed in the preceding Reply, particularly at page 16 thereof.

Moreover, as claim 13 depends from claim 1, it also incorporates the new feature recited in claim 1, which feature is not supplied by Kramer. Therefore, claim 13 is patentable for the same reasons pointed out above with respect to the novelty and unobviousness of claim 1.

Applicant respectfully requests withdrawal of the rejection.

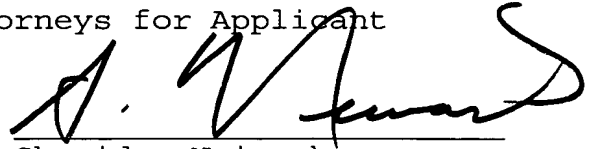
Appln. No. 09/830,645  
Amd. dated April 21, 2004  
Reply to Office Action of February 5, 2004

Applicant again respectfully and earnestly requests  
favorable reconsideration and allowance.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By

A handwritten signature in black ink, appearing to read 'S. Neimark', written over a horizontal line.

Sheridan Neimark

Registration No. 20,520

SN:jaa  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
G:\BN\O\Ohta\Fukada 1\PTO\amd 20AP04.doc